

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**INFORMAL SESSION  
May 19, 2003**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., May 19, 2003, in Informal Session held in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman; Andy Kunasek, Vice Chairman; Don Stapley, Max W. Wilson, and Mary Rose Wilcox. Also present: Fran McCarroll, Clerk of the Board, Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**FISCAL YEAR 2003-2004 TENTATIVE BUDGET – HEARING SET ON FINAL BUDGET**

Item: Consider the following actions related to the Fiscal Year 2003-2004 Tentative Budget: (C49030398) (ADM1802)

- a) Approve the Fiscal Year 2003-2004 Tentative Budget by total appropriation for each department and fund in the amount of \$2,431,356.777 (Expenditures totaling \$2,199,350,095 and Appropriated Beginning Fund Balance of \$232,006,682);
- b) Approve the Fiscal Year 2003-2004 Tentative Budget Executive Summary; and
- c) Set a public hearing to solicit public comments on the Fiscal Year 2003-2004 Budget for 9:00 a.m., Monday, June 23, 2003.

Sandi Wilson said there have been no changes of any kind to the tentative budget since the presentation and discussion with the Board at the May 12<sup>th</sup> meeting. Ms. Wilson explained that in approving the tentative budget the Board would adopt the maximum amount the County can spend in the next fiscal year and added that this is the budget that will be published and is currently on the County's website. She mentioned that any adjustment made to the budget after today could only be to adjust it downward. She offered to answer any questions the Board may have at this time.

The Chairman and all Supervisors expressed their appreciation for a job well done in making the difficult decisions that the Administration and OMB (Office of Management and Budget) had to make in creating a fiscally balanced budget for FY 2003-04. The many financial challenges resulted in 5% to 10% cutbacks for most departments.

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to set a public hearing on the FY 2003-2003 Budget for June 23, 2003, and to approve the 2003-2004 Tentative Budget and Executive Summary as presented above.

**HEARING SET - FISCAL YEAR 2003-2004 TENTATIVE BUDGET FOR SPECIAL DISTRICTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the Fiscal Year 2003-2004 Tentative Budgets for Special Districts per the Fiscal Year 2003-2004 Tentative Budget Schedules entitled "Direct Assessment of Special Districts Secondary Roll" and "Street Lighting Improvement District Levies Secondary Roll"; and set a public hearing to solicit public comments on the FY 2003-2004 budgets for 9:00 a.m., Monday, June 23, 2003. (C49030438) (ADM1802)

**PUBLIC HEARING ON PROPOSED FOUNTAIN HILLS FIRE DISTRICT**

Chairman Brock called for a public hearing on amendments to the impact statement for the proposed Fountain Hills Fire District. On April 16, 2003, the Board of Supervisors approved the impact statement for the proposed Fountain Hills Fire District with specific amendments and instructions. In addition to hearing those for and against amendments, the Board of Supervisors will consider amending the Board's instructions to include reference to Town of Fountain Hills endorsement Resolution 2003-20 (adopted May 1, 2003), and to reflect that the town's endorsement deadline has been updated from December 31,

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2003, to one year from the date that Maricopa County authorizes the circulation of petitions for formation of a new fire district. The complete set of materials set forth in the Fire District Impact Statement (May 1, 2003 updated) are on file at the Office of the Clerk of the Board of Supervisors. (ADM4434)

Hugh Henry and Rita Cobain Brown, citizens who served on the committee to form the new special fire district, were present to answer any questions on this item.

Supervisor Stapley read an update to Fountain Hills' endorsement for this proposed district. The town has adopted a second resolution, 2003-20, which removes December 31, 2003, as a deadline for circulation of petitions. Mr. Stapley then moved that the instructions from the County be updated to reflect that the town's endorsement deadline has been changed from December 31, 2003 to one year from the date that Maricopa County authorizes the circulation of petitions for formation of a new fire district. Also that the County's approval of the impact statement is conditioned on both resolutions that were adopted by the Town Council, Resolutions 2003-02 and 2003-20. Motion was seconded by Supervisor Kunasek and unanimously carried (5-0).

**Clerk of the Board, Fran McCarroll, left the meeting and Deputy Clerk Norma Risch entered the meeting at this time.**

**PERFORMANCE MEASURES FOR THE REGIONAL TRANSPORTATION PLAN**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried to approve a memorandum from the Board of Supervisors to the members of the Maricopa Association of Governments' Transportation Policy Committee concerning proposed performance measures for the Regional Transportation Plan currently under development. This correspondence will be signed by all five Supervisors to show unanimous consensus of the Board in this matter. (ADM2053)

TO: MAG Transportation Policy Committee Members  
FROM: Maricopa County Board of Supervisors  
SUBJECT: 2<sup>nd</sup> Tier Qualitative RTP Prioritization Measures  
DATE: May 19, 2003

Maricopa County has reviewed the MAG memo dated April 22, 2003 concerning the proposed MAG Performance Measures. We also actively participated in the TPC (Transportation Policy Committee) Workshop on May 6. We support the two-tier approach to system and individual project evaluation discussed at the Workshop. We recommend that there are a select few of the proposed performance measures that are well suited to be 1<sup>st</sup> tier criteria. There are also several that can be considered as qualitative 2<sup>nd</sup> tier measures.

This approach would use objective performance criteria to evaluate each of the three system wide scenarios as well as individual projects within the scenarios. The second tier effort would allow the TPC to use several qualitative measures to recommend a package of projects that will be acceptable to the voters. This method has both technical merit and sound strategic direction driving the outcome.

**1<sup>st</sup> Tier Measures**

Our goal is to simplify the first tier criteria to objective measures that will allow anyone who reviews the outcomes of this process to understand how the TPC will reach its preliminary decisions. Maricopa County sees five key performance measures that can be used to evaluate individual projects that are included in the three scenarios being modeled by MAG staff. They are:

1. Accident rate per million vehicle miles of travel and accident severity cost per million vehicle miles of travel. Establish acceptable regional target levels to compare against each project.
2. Limit performance criteria to level of service on arterials and freeways, and the speed on these facilities. Establish acceptable regional target levels to compare against each project.
3. Jobs and housing within one-quarter mile of transit service. Establish acceptable regional target levels to compare against each project.
4. Amount of pollutant emissions by type (NAQS). Establish acceptable regional target levels to compare against each project.
5. Benefit/Cost analysis of each scenario and individual projects. Establish acceptable regional target levels to compare against each project.

**2<sup>nd</sup> Tier Measures**

It is important to refer back to the April 22, 2003 MAG memo provided to the TPC to address 2<sup>nd</sup> tier measures.

Goal 4 from this memo focuses on Accountability and Planning.

**Objective #4C:** Develop a regionally balanced plan that provides geographic equity in the distribution of investments.

This objective provides the basis for one of the qualitative measures that the TPC can use. This can be measured on a sub-regional basis that is based on proposed expenditures of the potential ½ cent sales tax project list.

**Objective 4D:** Recognize previously authorized corridors that are currently in the adopted MAG Long Range Plan; i.e., Loop 303 and the South Mountain Corridor.

This is another measure that should be included as 2nd tier criteria. It has consistently been supported by the TPC in the past. The TPC is on record that meeting prior commitments is one of their top priorities. This criterion is also important because facilities such as the South Mountain Corridor and Loop 303 were promised as part of the 1985 ½ cent sales tax election and it is critical that these be some of the first items funded out of the next ½ cent sales tax if approved to deliver on past promises.

**Objective 4E:** (Public Support)

This is another one of the qualitative measures that could be used in the 2<sup>nd</sup> tier prioritization process. This test will rely on public opinion surveying of the public that can focus on broad programs or individual projects to provide insights to the TPC members.

In recap, Maricopa County supports the two-tiered approach (as outlined above) for evaluating projects. The use of five tier 1 rational and objective performance measures helps focus on projects that should most improve the regional transportation system. Tier two measures should assure regional support. Additionally, the use of objective performance criteria is consistent with the intent of HB 2660 passed by the state legislature this past year to assist ADOT in developing its Long Range State Plan.

Sincerely,

Fulton Brock, Chairman of the Board  
Supervisor Don Stapley, District 2  
Supervisor Andy Kunasek, District 3  
Supervisor Max Wilson, District 4  
Supervisor Mary Rose Wilcox, District 5

**PRESENTATION ON WEST NILE VIRUS**

Presentation was made by Public Health, Environmental Services, and Flood Control District on their plans for dealing with the West Nile Virus during the summer of 2003. The plans include surveillance, education, and control strategies. (C8803047M) (ADM2350) (ADM1900)

Dr. Jonathan Weisbuch, Chief Health Services Officer, and Director of Public Health  
Al Brown, Director, Environmental Services  
John Townsend, Vector Control Manager  
Mike Ellegood, Chief Engineer and General Manager, Flood Control District  
Gary Branum, Ecology Branch Manager, Flood Control District

Dr. Weisbuch speculated that the epidemic status of the West Nile Virus already present in some parts of the country could reach Maricopa County later this summer or next year at the latest. He said the strain of mosquito that carries this virus is already "alive and flourishing" in Maricopa County indicating that birds carry the virus to the region and mosquitoes transmit it to people and other mammals. Prevention is the best way to avert an epidemic and one prevention method is the introduction of mosquito-eating fish into the waterways where the eggs are laid. Anywhere water lies stagnant for a period of time – rivers, lakes, fields, yards of vacant houses, pools, pots, barrels, anything that holds water – is a potential breeding ground for mosquitoes and homeowners will be cautioned against allowing standing water to remain at or near their homes.

Dr. Weisbuch said that there are several strains of West Nile Virus, which was unknown in the western hemisphere before 1999. So far there have been no reported cases in Arizona, Utah, Nevada, Oregon or California but this is expected to change in the near future. Encephalitis and other severe illnesses can result from this virus while others infected with it can experience mild symptoms. He indicated that the greatest risk is to the elderly and homeless. The number of encephalitis cases always decreases when the temperature goes down.

Chemical controls, specialized fish species, eliminating wetlands, mineral oil applications, engineering solutions and biological controls are used to eliminate mosquito larva. Application will depend on the particular conditions present at the infested site.

**~ Supervisor Wilson left the meeting ~**

Al Brown, Director of Environmental Services, reported on different mosquito preventive methods that are being used or considered for use in Maricopa County. There are 36 known species that carry this virus but only a few of these have been found in Arizona. A concerted effort is being made to alert and educate citizen groups through media reports to keep the potential hazard actively before the public.

**~ Supervisor Wilson returned to the meeting ~**

Mr. Brown said that there has been excellent cooperation in these preventive efforts from the Flood Control District as well as cities and towns in the County as all are taking the threat seriously. Various testing methods were discussed and he reported that phone calls from concerned citizens are very welcome.

**~ Supervisor Stapley left the meeting ~**

Chairman Brock expressed concern about the use of mineral oil and possible harm to birds, animals and crops from oils. Mr. Brown replied that three-gallons of mineral oil per acre is used and there is no harm to vegetation or wildlife but that is enough to target all of the insects.

**~ Supervisor Stapley returned to the meeting ~  
~ Supervisor Wilcox left the meeting ~**

It was explained that the monsoons bring additional areas of standing water, increased infestation and rising concerns. Citizen reports become even more important during this season and greatly aid vector control.

**~ Supervisor Wilcox returned to the meeting ~**

Dr. Weisbuch said that there is no way to keep the disease out of Arizona and Maricopa County but reported that, "We're way ahead of the curve for any future breakouts." He believes that the preventive methods being employed will keep an epidemic from occurring and any occurrences of the disease at a minimum.

**EXECUTIVE SESSION CALLED**

Pursuant to A.R.S. 38-431.03, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to recess and reconvene in Executive Session to consider items listed on the May 19, 2003, Executive Agenda as follows.

**LEGAL ADVICE, PENDING OR CONTEMPLATED LITIGATION -- A.R.S. §38-431.03(A)(3) AND (A)(4)**

**COMPROMISE CASES**

Barbara Caldwell, Outside Counsel

David Blevins, Keith Buethe, Sara Caminidi, Eva Celeste Chavez, Michael King, Melissa Linton, Isabel Lopez-Martinez, James Mangus, Rene Orozco, Lee Piper, Serafin Saldana, Jacqueline Shelton, Kristy Stark.

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION -- A.R.S. §38-431.03(A)(3) AND (A)(4)**

**Jamie Demery, et al. v. Maricopa County Sheriff Joseph Arpaio, et al., U.S. District Court No. CIV 01-0983-PHX-EHC (continued from May 5, 2003, executive)**

Richard A. Stewart, Deputy County Attorney, Division of County Counsel

**LEGAL ADVICE; SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION -- A.R.S. §38-431.03(A)(3) and (A)(4)**

**Strategic Real Estate Acquisitions, LLC**

William S. Knopf, Deputy County Attorney, Division of County Counsel

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**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

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Fulton Brock, Chairman of the Board

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Fran McCarroll, Clerk of the Board

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Norma Risch, Deputy Clerk of the Board